



PUBLIC NOTICE

Federal Communications Commission
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DA 08-1699
Released: July 18, 2008

COMMENTS INVITED ON APPLICATION OF EMBARQ FLORIDA, INC., UNITED TELEPHONE COMPANY OF INDIANA, INC., EMBARQ MISSOURI, INC., CENTRAL TELEPHONE COMPANY, UNITED TELEPHONE COMPANY OF NEW JERSEY, INC., CAROLINA TELEPHONE AND TELEGRAPH LLC, UNITED TELEPHONE COMPANY OF OHIO, THE UNITED TELEPHONE COMPANY OF PENNSYLVANIA LLC, UNITED TELEPHONE SOUTHEAST LLC, AND CENTRAL TELEPHONE COMPANY OF VIRGINIA TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

**WC Docket No. 08-145
Comp. Pol. File No. 874**

Comments Due: August 18, 2008

Section 214 Application

Applicants: Embarq Florida, Inc., United Telephone Company of Indiana, Inc., Embarq Missouri, Inc., Central Telephone Company, United Telephone Company of New Jersey, Inc., Carolina Telephone and Telegraph LLC, United Telephone Company of Ohio, The United Telephone Company of Pennsylvania LLC, United Telephone Southeast LLC, and Central Telephone Company of Virginia

On May 29, 2008, Embarq Florida, Inc., located at 1313 Blairstone Road, Tallahassee, Florida 32301-3040; United Telephone Company of Indiana, Inc., located at 665 Lexington Avenue, Mansfield, Ohio 44907; Embarq Missouri, Inc., located at 5454 West 110th Street, Overland Park, Kansas 66211; Central Telephone Company, located at 330 South Valley View Boulevard, Las Vegas, Nevada 89152; United Telephone Company of New Jersey, Inc., located at 240 North 3rd Street, Harrisburg, Pennsylvania 17101-1521; Carolina Telephone and Telegraph LLC, located at 14111 Capital Boulevard, Wake Forest, North Carolina 27587-5900; United Telephone Company of Ohio, located at 665 Lexington Avenue, Mansfield, Ohio 44907; The United Telephone Company of Pennsylvania LLC, located at 240 North 3rd Street, Harrisburg, Pennsylvania 17101-1521; United Telephone Southeast LLC, located at 14111 Capital Boulevard, Wake Forest, North Carolina 27587-5900; and Central Telephone Company of Virginia, located at 1411 Capital Boulevard, Wake Forest, North Carolina 27587-5900 (collectively Embarq or Applicants), filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of a certain tariffed service in the Embarq local operating companies' operating areas in Florida, Indiana, Missouri, Nevada, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, and Virginia (collectively Service Areas). By an amendment filed June 27, 2008, Embarq corrected certain deficiencies in its application and updated the record regarding notice to customers. Accordingly, Embarq's application is deemed complete as of June 27, 2008.

Embarq indicates that, in the Service Areas, it offers both expanded interconnection through physical collocation and expanded interconnection through virtual collocation pursuant to its federal tariffs. Embarq explains, however, that there is a disparity in the rate levels and rate structures that apply when its carrier customers receive expanded interconnection through physical collocation pursuant to its tariffs as opposed to the similar service arrangements carrier customers may receive pursuant to Section 252 interconnection agreements. Embarq asserts that this disparity has led to unnecessary confusion, disagreements, and delay. Consequently, Embarq states that it plans to discontinue the provision through federal tariffs of expanded interconnection through physical collocation in the Service Areas. Embarq indicates that it plans to discontinue this service during the third quarter of 2008, or within 30 days of the Commission's approval of the application. Embarq maintains that the proposed discontinuance will not harm the present or future public convenience and necessity because Embarq will grandfather existing customers so that they can remain in service under the federal tariff. In addition, Embarq indicates that new customers that qualify for section 251 collocation will be able to obtain the same kind of arrangements through interconnection agreements, and new arrangements for expanded interconnection through virtual collocation will still be available through its federal tariffs. Embarq indicates that, on or before June 27, 2008, it sent notice of the proposed discontinuance by electronic mail to those carrier customers with whom Embarq has arrangements for the use of electronic mail notification. Embarq further indicates that all other affected carrier customers were sent notice by first class mail on or before June 27, 2008. Embarq states that it is considered dominant with respect to the service to be discontinued.

We seek comment on Embarq's proposed discontinuance of service, including the steps it has taken to notify customers, given the particular circumstances in this case and in light of the notification procedures prescribed in section 63.71(a) of the Commission's rules. In accordance with section 63.71(c) of the Commission's rules, Embarq's application will be deemed to be granted automatically on the 60th day after the release date of this public notice, unless the Commission notifies Embarq that the grant will not be automatically effective. In Embarq's application, Embarq indicates that it plans to discontinue the affected service during the third quarter of 2008, or within 30 days of the Commission's approval of the application. Accordingly, pursuant to section 63.71(c) and the terms of Embarq's application, absent further Commission action, Embarq may terminate the affected service in the Service Areas on or after **September 16, 2008**. The Commission normally will authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **August 18, 2008**. Such comments should refer to **WC Docket No. 08-145 and Comp. Pol. File No. 874**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must send an original and four copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicants. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), rodney.mcdonald@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The tty number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

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